

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL D. HARRIS, #172430,

Civil Action No.05-40336

Plaintiff,

District Judge Paul V. Gadola

vs.

Magistrate Judge Virginia M. Morgan

SANDRA CROWLEY, et al,

Defendants.

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**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Before the Court is Plaintiff's Motion for Appointment of Counsel. A prisoner has no constitutional or statutory right to the appointment of counsel in a civil rights case. *See, e.g., Lavado v. Keohane*, 992 F.2d 601, 605-06 (6<sup>th</sup> Cir. 1993). The decision whether to appoint counsel is left to the discretion of the court. Typically, this court appoints counsel in a prisoner civil rights case only under exceptional circumstances and, in any event, only after the claims have survived a dispositive motion. There are no exceptional circumstances in this case that would warrant the appointment of counsel at this time, and plaintiff's claims have not yet been tested by a dispositive motion. Accordingly, the court will deny plaintiff's request without prejudice.

IT IS HEREBY ORDERED that the motion is DENIED.

SO ORDERED.

Dated: December 29, 2005

s/ Virginia M. Morgan  
VIRGINIA M. MORGAN  
UNITED STATES MAGISTRATE JUDGE

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing order was served upon Michael D. Harris and counsel of record via the Court's ECF System and/or U. S. Mail on December 29, 2005.

s/J Hernandez

Case Manager to

Magistrate Judge Virginia M. Morgan